REMARKS

Present Status of Application

The Examiner is thanked for the thorough examination of the present application, the allowance of claim 8-20, 24-29, and 33-38, and the indication that claims 2-5 contain allowable subject matter. The Office Action, however, rejected claims 1, 6, 7, 21-23, and 30-32.

Oath/Declaration

The Office Action objected to the declaration. In response, Applicants have provided a supplemental/substitute declaration herewith.

Claim Rejections

Claims 23 and 32 are rejected under 35 USC §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 21, 22, 30, and 31 are rejected under 35 USC §102(b) as allegedly anticipated by Edstorm et al [US Pat 5,233,533] (Edstorm).

Claims 1, 6, 7, 21, and 22 are rejected under 35 USC §102(b) as allegedly anticipated by Lin [US Pat 6,434,443] (Lin).

Applicant respectfully requests reconsideration for at least the following reasons.

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Claims 1-7

Independent claim 1 is amended to include all of the limitations of allowable claim 2 and

claim 2 is accordingly cancelled. As such, independent claim 1 and all claims depending

therefrom are in condition for allowance.

Claims 21-23

Independent claim 21 has been rejected under 35 USC §102(b) as allegedly anticipated by

both Edstorm and Lin. Applicants disagree.

In this regard, claim 21 recites:

> 21.   A method of control factor management for a work-in-process
> (WIP) in a production system, comprising the steps of:
>   determining a control factor for the WIP;
>   *providing a target value of the control factor for the WIP;*
>   *detecting a current value of the control factor for the WIP in the*
> *production system;* and
>   *adjusting the control factor according to the current value of the*
> *control factor, the target value of the control factor, and a priority of the WIP.*

(*Emphasis added.*) Applicants respectfully submit that claim 21 defines over the cited art for at

least the reason that the cited art fails to disclose the features emphasized above.

Applicants note that the present application discloses a computer implemented system for

control factor management for work-in-process (WIP) in a production system (*see e.g.*, claim 1 of

the present application), comprising a plan engine and a control factor management module. The

control factor management module disclosed in the present application adjusts the control factor

of the plan engine according to a "current value" of the control factor in the production system, a

target value of the control factor, and a priority of the WIP. In rejecting the claims, the Office

Action has misinterpreted the "current value" of the present application as the current date

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disclosed in Edstorm. The Office Action has also misinterpreted the "target value" of the present claims as the target date disclosed in Edstorm. Here, the current value and target value are calculated values. The dates of Edstorm are not calculated values, and as such are misapplied in the context of the present claims.

Applicants also note that Edstorm provides a scheduling method and apparatus. The technology disclosed in Edstorm is to perform a backward-forward method for scheduling to meet a requested due date. Thus, the factors considered in Edstorm are concerned with or related to due dates, while the factors considered in the present application are compounded.

Thus, the relevant teachings of Edstorm are quite different than those claimed in the present application. As such, Edstorm does not disclose the technology claimed in claim 21.

Applicants also note that Lin discloses a method for performing dynamic re-scheduling in a fabrication plant. The main technique of Lin is to change the due date of WIP, and the product control uses only the required date. Like the date distinction of Edstorm, the "current value" and "target value" values claimed in claim 21 are not properly disclosed in Lin or Edstorm.

Additionally, Applicants also note that Lin does not disclose the priority of WIP disclosed and claimed in the present application (e.g., among other limitations, claim 21 defines *"and a priority of the WIP"*). As such, Lin and Edstorm both fail to disclose all the limitations claimed in claim 21, and cannot properly be applied as an anticipatory reference. The Office Action alleged that Applicants' previous comments were not persuasive because, among other reasons, "Examiner found no language in the claims related to factors which are compounded." In fact, the last element of claim 21 states that the control factor is adjusted "according to the current value of the control factor, the target value of the control factor, and a priority of the WIP." This defined "and" operation, requires the compounding of the current of the control value, the target

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value of the control factor, and a priority of the WIP." For at least this reason, the rejection of

independent claim 21 (and dependent claims 22-23) should be withdrawn.

Claims 23 and 32

Claims 23 and 32 are amended to overcome the rejection of 35 USC §112, and are

accordingly in condition for allowance.

Claims 30-32

Independent claim 30 has been rejected under 35 USC §102(b) as allegedly anticipated by

both Edstorm. Applicants disagree.

In this regard, claim 30 recites:

> 30.   A storage medium storing a computer program which when
> executed causes a computer to perform a method of control factor management
> for a work-in-process (WIP) in a production system comprising the steps of:
>> *determining a control factor for the WIP;*
>> *calculating a target value of the control factor for the WIP;*
>> detecting a current value of the control factor for the WIP in the
> production system; and
>> *adjusting the control factor according to the current value of the*
> *control factor, the target value of the control factor, and a priority of the WIP.*

(*Emphasis added.*) Applicants respectfully submit that claim 30 defines over the cited art for at

least the reason that the cited art fails to disclose the features emphasized above.

Applicants note that the present application discloses a computer implemented system for

control factor management for work-in-process (WIP) in a production system (*see e.g.,* claim 1 of

the present application), comprising a plan engine and a control factor management module. The

control factor management module disclosed in the present application adjusts the control factor

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of the plan engine according to a "current value" of the control factor in the production system, a target value of the control factor, and a priority of the WIP. In rejecting the claims, the Office Action has misinterpreted the "current value" of the present application as the current date disclosed in Edstorm. The Office Action has also misinterpreted the "target value" of the present claims as the target date disclosed in Edstorm. Here, the current value and target value are calculated values. The dates of Edstorm are not calculated values, and as such are misapplied in the context of the present claims.

Applicants also note that Edstorm provides a scheduling method and apparatus. The technology disclosed in Edstorm is to perform a backward-forward method for scheduling to meet a requested due date. Thus, the factors considered in Edstorm are concerned with or related to due dates, while the factors considered in the present application are compounded.

Thus, the relevant teachings of Edstorm are quite different than those claimed in the present application. As such, Edstorm does not disclose the technology claimed in claim 30.

Applicants also note that Lin discloses a method for performing dynamic re-scheduling in a fabrication plant. The main technique of Lin is to change the due date of WIP, and the product control uses only the required date. Like the date distinction of Edstorm, the "current value" and "target value" values claimed in claim 30 are not properly disclosed in Lin or Edstorm.

Additionally, Applicants also note that Lin does not disclose the priority of WIP disclosed and claimed in the present application (e.g., among other limitations, claim 30 defines "*and a priority of the WIP*"). As such, Lin and Edstorm both fail to disclose all the limitations claimed in claim 30, and cannot properly be applied as an anticipatory reference. For The Office Action alleged that Applicants' previous comments were not persuasive because, among other reasons, "Examiner found no language in the claims related to factors which are compounded." In fact,
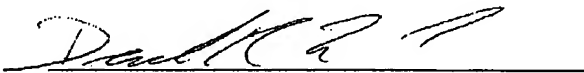
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the last element of claim 30 states that the control factor is adjusted "according to the current value of the control factor, the target value of the control factor, and a priority of the WIP." This defined "and" operation, requires the compounding of the current of the control value, the target value of the control factor, and a priority of the WIP." at least this reason, the rejection of independent claim 30 (and dependent claims 31-32) should be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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